

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 8, 2003. In the Office Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,157,719 (Wasilewski). In addition, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of U.S. Patent No. 6,061,451 (Muratani). Applicants respectfully traverse the rejection.

As the Examiner is aware, Wasilewski describes a system for limiting access to broadcast information. A CATV company or satellite television company provides its subscribers with information from a number of services. For instance, the History Channel is a "service" that provides television programs about history. Each program provided by the particular service, such as the History Channel for example, is an "instance" of that service. *See Col. 4, lines 18-28 of Wasilewski*.

When an instance is broadcast, it is encrypted. The encrypted instance (105) contains instance data (109), the encrypted information making up the program, and entitlement control messages (107). The entitlement control messages (ECM) contain information needed to decrypt the encrypted portion of the encrypted instance (105). *See Col. 4, lines 28-40 of Wasilewski*. More specifically, the ECM and the authorization information (121), which is stored in the set-top box and obtained from one or more entitlement management messages (EMM), are used by a control word generator (119) to produce a control word (117). *See Col. 4, lines 40-66 of Wasilewski*. The control word (117) decrypts the instance data (109) of the encrypted instance (105).

I. §102(B) REJECTION

In the Office Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski. Applicant respectfully traverses the rejection in its entirety because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is described, either expressly or inherently, in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987); *See also*, MPEP § 2131. Herein, Wasilewski does not describe each and every element set forth in claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54.

According to page 2 of the Office Action, it is alleged that Wasilewski discloses the following:

...a method and system for storing scrambled digital programs within a conditional access system comprising: receiving the scrambled program (encrypted instance), receiving a plurality of instance services (access requirement), wherein each instance service can descramble the scrambled program, selecting at least one instance service, and storing the

scrambled program and the selected access program (stored in set-top box and ECM) in Column 4, lines 17-63.

Based on the statements set forth above, it appears that the Examiner alleges the following: (1) the encrypted instance of Wasilewski discloses the scrambled program, (2) the "instance services" of Wasilewski discloses the access requirement, (3) the "instance service" of Wasilewski can descramble the scrambled program, (4) selecting at least one "instance service," and (5) storing the encrypted instance and the "instance service" being considered as the access requirement. Most of these allegations, notably allegations (2, 3 and 5) are not disclosed in Wasilewski.

Wasilewski does not describe an "instance service". It does describe a service instance, which appears to be equivalent to an "instance". However, Wasilewski does not disclose that the encrypted instance is descrambled by the instance, rather it is descrambled based on a control word generated using information from the ECM and EMM. Moreover, even if the ECM is considered as the access requirement, the encrypted instance and the ECM are not stored within the set-top box. Instead, authorization information (121) from the EMM is stored in the set-top box, not the ECM.

In addition, as also stated on page 2 of the Office Action, it is further alleged that claims 2, 24, 46 and 51 are anticipated because Wasilewski discloses "the claimed limitation wherein each access requirement is included in a packet identifier (PID) in Column 18, lines 52-60, Column 19, lines 1-25." Applicant respectfully traverses these grounds for rejection. It is alleged in the Office Action that the "instance service" discloses an access requirement. Applicant disagrees with this analysis because it would require that a packet identifier (PID) contains the instance service. To the contrary, as set forth in column 18, lines 36-55 of Wasilewski, the MPEG-2 transport stream, which includes transport packets with the PID as shown.

In light of the foregoing, Applicant respectfully requests the Examiner to reconsider the §102(b) rejection based on the arguments set forth above. Moreover, if the Examiner disagrees with the Applicant that the claims are truly in condition for allowance, Applicant respectfully requests the Examiner to at least address the limitations associated with each independent claim since these claims may differ slightly in wording and claim breadth.

II. §103(A) REJECTION

In the Office Action, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Muratani. Applicants respectfully traverse the rejection because neither Wasilewski nor Muratani, alone or in combination, suggest each and every limitation set forth in the above-identified

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claims. Applicant respectfully requests the Examiner to reconsider the rejection based on the arguments set forth above.

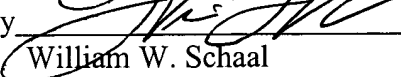
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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